THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.19750 of 2006

Dated: 03rd November, 2006

Between:

Syed Nazeemuddin. **…..PETITIONER**

AND

The District Collector/Executive Director, A.P. State Housing Corporation Limited, Adilabad and another. **….RESPONDENTS**

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.19750 of 2006

ORDER:

This writ petition is filed questioning the action of the 1st respondent in issuing proceedings dated 31-8-2006 in No.H3/221/2006 by which the petitioner was suspended on the allegation that he was involved in misuse of housing cement.

Learned counsel for the petitioner submitted that the 1st respondent/Executive Director lacks jurisdiction inasmuch as the power of suspension vests with the Managing Director of A.P State Housing Corporation Limited, Hyderabad. The learned counsel further submitted that the alleged irregularities do not pertain to the job of the petitioner and the petitioner was victimized and became scapegoat for the irregularities committed by the higher officials and no action has been taken against them. Learned counsel therefore submitted that the writ petition be allowed by setting aside the impugned order.

Learned counsel for the respondents submitted that the first respondent is empowered to pass the impugned order under G.O.Ms.No.33 housing (RH) dated 06-05-1998, which categorically says that the District Collector/Executive Director is the competent authority. Counsel further submitted that the petitioner was earlier suspended twice on the allegations of receiving bribe from the beneficiaries and for dereliction of duties. Counsel therefore prayed that

the writ petition be dismissed by sustaining the impugned order

Respondent No.2/District Manager, APSHCL, Adilabad filed counter affidavit. In the counter it is stated that the petitioner was earlier suspended twice on 10-8-2002 and on 3-7-2004 on the allegations of dereliction of duties and also on the allegation of receiving bribes from the beneficiaries. It is stated that the petitioner in his own tractor lifted the cement and transported to a different village and unloaded the part of the same at a residence of person by name Sr B.Rameshwar who is not a beneficiary. It is further stated that in the preliminary enquiry it is found that the petitioner is involved in misappropriation of cement bags and concerned Assistant Engineer who endorsed the cement coupons was also placed under suspension apart from the petitioner.

It is also stated that the 1st respondent is empowered to pass the impugned orders of suspension against the petitioner under G.O.Ms.No.33 housing (RH) dated 6-5-1998 and the said power is delegated to the District Collector/Executive Director under the said G.O by the State Government.

Heard the learned counsel for the petitioner as also the learned counsel for the respondents and perused the impugned order.

The counter reveal that first respondent is empowered to pass the impugned order under G.O.Ms.No.33 housing (RH) dated 6-5-1998 and the said power is delegated to the District Collector/Executive Director under the said G.O by the State Government. Be that as it may, without going into the merits of the writ petition, and in view of the allegation made against the petitioner that he has in his own tractor had lifted the cement and transported the same to a different village and unloaded part of the same at a residence of a person who is not a beneficiary, it is not proper for this Court to interfere at this stage. In the circumstances, the writ petition is disposed of with the direction as under:

The petitioner is directed to submit explanation to the charges leveled against him before the first respondent, and on such explanation being filed, the first respondent shall consider the same and pass appropriate orders for revocation of suspension of the petitioner. No costs.

(N.V. RAMANA, J.)

Date:3rd November, 2006.

GRK